

NT

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/706,245	BLATTER, DUANE D.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Julian W. Woo	3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 8/25/06.
2. ☒ The allowed claim(s) is/are 21-34, 36-50, 52-82, and 84-171.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
|---|---|

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin Laurence, Reg. No. 38,219, on November 15, 2006.

2. The application has been amended as follows:

In claim 81, line 1, delete "83" and in its place, insert --80--.

3. The following is an examiner's statement of reasons for allowance: With respect to claims 21-34, 36-50, 52, 69-82, 84, and 101-171: None of the prior art of record, alone or in combination, discloses a method for anastomosis of an open end of a graft vessel to a side of a receiving vessel, where the method includes, inter alia, positioning an anvil within a lumen of the receiving vessel, manipulating the anvil via a component extending from the anvil to cause a region of the receiving vessel to stretch and to conform to the shape of the a portion of the anvil contacting the wall of the receiving vessel, joining the graft vessel to the side of the receiving vessel, and forming an anastomosis opening in the wall of the receiving vessel at the anastomosis site, where the receiving vessel is a blood vessel, and the anastomosis opening is formed without requiring interruption of blood flow through the receiving vessel; where the receiving vessel remains pressurized as the graft vessel and receiving vessel are anastomosed;

Art Unit: 3731

where prior to joining the graft vessel to the side of the receiving vessel, a part of the region of the wall of the receiving vessel is caused to stretch and to conform to the shape of the portion of the anvil is drawn into the lumen of the graft vessel; or where prior to forming an anastomosis opening, the stretched region of the receiving vessel is extended into an opening of the component of an extravascular device.

With respect to claims 53-68 and 85-100: None of the prior art of record, alone or in combination, discloses a method for anastomosis of a graft vessel to a side of a receiving vessel, where the method includes, inter alia, positioning an anvil within a lumen of a receiving vessel, joining a graft vessel to the side of the receiving vessel, forming an anastomosis opening in the side of the receiving vessel, and removing the anvil from the anastomosis site after joining of the vessel and formation of the anastomosis opening, where prior to joining the vessels, a portion of the wall of the receiving vessel is held between the anvil and a component of an extravascular device, such that a region of the wall conforms to the shape of a portion of the anvil contacting the region and such that at least part of the region extends beyond the portion of the wall held between the anvil and the component of the extravascular device or extends into the lumen of the graft vessel, where the extravascular device is positioned outside of the graft vessel lumen.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3731

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian W. Woo whose telephone number is 571-272-4707. The examiner can normally be reached on M-F, 6:30-4:00, Alt. Fri. OFF, 6:30-3:00 Fri. IN.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anh Tuan Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Julian W. Woo  
Primary Examiner  
Art Unit 3731

November 15, 2006